

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCTOBER 17, 1989

Mr. William Farrington  
Vice President  
Medical SafeTEC  
5610 W. 82nd St.  
Indianapolis, IN 46278

Dear Mr. Farrington:

This letter is in response to your July 21, 1989, letter to Mary Stevens of Geo Resource Consultants. In your letter you requested an interpretation of the exemption for sharps, regulated as medical waste, when shipped by the U.S. Postal Service.

The "sharps mailing" exemption, defined in 40 CFR 259.51(c), allows generators in "covered states," who generate less than 50 pounds/month and ship less than 50 pounds/shipment of regulated medical waste, to ship their Class 4 and 7 waste using the U.S. Postal Service provided that such wastes are shipped registered mail return receipt requested. In your letter, you inquired whether Medical SafeTEC's MAILSharps system could be used instead of the U.S. Postal Service return receipt requested system to provide the medical waste generator with documentation that waste was received at the disposal facility. We have received and reviewed information submitted with your letter.

The intent of these regulations was to ensure that regulated medical waste is appropriately handled and managed from the point of generation to the disposal or destruction facility. The objective of the tracking system is to establish chain-of-custody procedures which will ensure that regulated medical waste is delivered to the proper treatment or disposal facility, and that there is documentation to demonstrate delivery or track down misdelivery.

The regulations at 40 CFR 259.51(c) allow generators to ship Class 4 and 7 waste using the registered return receipt requested system. This system provides a mechanism for tracking the chain-of-custody of regulated medical waste through the U.S. Postal System. This regulation also requires that a shipment log which be kept in accordance with 40 CFR 259.54(b)(3).

The regulations at 40 CFR 259.54(b)(3) stipulate that the generator must maintain the mail receipts and a shipment log for a period of three years. The log must record the quantity (by weight) of each shipment of regulated medical waste, the date of shipment, and the name and address of each intermediate handler or destination facility to which the generator has transported regulated medical waste by the U.S. Postal Service. Although your medical waste generation summary form provides some of the same information, it does not meet the requirements of these regulations.

Therefore, regulated medical waste generators, who are located in cover States, would not be in compliance with 40 CFR 259.51(c) or 259.54(b)(3) if they used your system. Generators who are located in covered States who elect to use your MAILSharps system must also use the U.S. Postal Service's registered mail, return receipt requested system in order to comply with the regulations at 40 CFR 259.51(c) and retain additional documentation as required in the 40 CFR 259.54(b)(3).

If you have additional questions or need further information please contact Mary Greene at 202-475-9715.

Sincerely,

Devereaux Barnes, Director  
Characterization and Assessment Division